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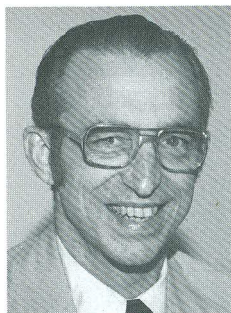
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BICENTENNIAL OF 1784 CONSTITUTION

On June 2, 1984, New Hampshire will observe the bicentennial anniversary of its adoption of a constitution which still serves as the basis for the present state constitution.

## BRIEF HISTORY

By royal decree of 1679 King Charles II ordered New Hampshire separated from Massachusetts Bay and on March 16, 1680 eleven men from the towns of Portsmouth, Dover, Exeter and Hampton met as the first New Hampshire General Court. Royal government was strengthened following settlement of the New Hampshire-Massachusetts boundary in 1741 and the installment of Benning Wentworth as governor in that year. John Wentworth followed his uncle as governor in 1767 only to feel the wrath of the colonists and leave the province in late summer of 1775.

## 1776 PLAN OF GOVERNMENT

In response to the dismissal of royal government by the people New Hampshire's leaders devised a plan of government adopted on January 5, 1776 that provided for a General Court which in turn would elect an executive council. This plan, with Meshech Weare at its head, and with the provincial Committee of Safety governing between legislative sessions, managed to maintain order.

This weak form of government was unable to cope with the growing stress brought on principally by economic inflation. John Langdon and others called for a constitutional convention as early as 1777. A meeting was authorized for June 10, 1778 in Concord, but its proposals met sound rejection from the people. In April 1781 the legislature ordered another convention to meet June 5th.

## 1784 CONSTITUTION

The creation of a plan of government acceptable to the people in 1784 did not prove a simple task. The 1781 convention placed proposals before the people in 1781 and again in 1782 but both contained provisions too strong to be accepted so close upon the heels of royal government. The constitution proposed and accepted in 1783, which took effect on June 2, 1784, provided for a state senate and a chief executive, with the title of President, who was to be popularly elected. The president presided over the senate, cast the deciding vote in the event of a tie, but did not have veto power.

## REVISION IN 1791

Realizing that the 1784 document left New Hampshire with a very weak executive the legislature in 1791 took advantage of its responsibility to call a convention to consider revising the 1784 constitution. A delegation favoring a more powerful state government was led by William Plumer, a 32-year old attorney from Epping who had just presided as Speaker of the House during the summer session. Plumer's group succeeded in changing the executive's title from president to governor, in gaining for the governor a veto power which could be overridden by two-thirds of each legislative branch, in having the executive council elected directly by the people, and in giving the governor and council each a negative over the other in making appointments.



The 1784 constitution as revised in 1792 serves as the basis of New Hampshire's present form of government. The parchment on which the 1784 plan was penned is currently preserved in the State Archives as are some rough minutes kept from the revision convention in 1791.

#### SINCE 1792

Since 1792 there have been twelve conventions to revise the constitution -- 3 in the nineteenth century and nine in the twentieth -- the last in 1974. The legislature put the question of whether to hold a constitutional convention before the people a number of times in the last century but the people rejected the proposals as unnecessary at those times.

#### 1876-1877 ALTERATIONS

Probably the most significant convention was that of 1876-1877 resulting in revisions that put the state on a biennial rather than an annual basis. From 1879 on, the governors, councilors and legislators have been elected to two-year terms. It is interesting to note that owing to annual and biennial terms since 1792 New Hampshire has elected more governors than any other state in the union.

Also incorporated in this revision was repeal of the provision allowing only Protestants to be elected as a governor or legislator. The changes doubled the senate membership from twelve to twenty-four and moved the general election date from March to November.

The 1889 revision shifted the legislative sessions from June to January and set legislators' pay at \$200 per biennium as an incentive to reduce the biennial deliberations to less than forty days.

#### 20TH CENTURY AMENDMENTS

Constitutional amendments of 1902 granted the Legislature authority to class property for special taxes and broadened taxing powers on inheritances, utility franchises, and the Interest and Dividend levy. They also imposed a requirement that voters be able to read and write, a provision later repealed.

The 1912 revisions changed Council districts from being determined by wealth to population. State officials were to be elected by plurality rather than majority.

A 1938 revision restricted motor vehicle fees, including the gasoline tax, from being used for anything other than "highway purposes."

By 1942 the House of Representatives had grown to 443 members. A revision that year restricted the number to 375-400 members. Other revisions permitted absentee balloting in state and municipal elections and granted special tax exemptions for the growing of timber.

In 1956 amendments gave the Governor authority to transact state business outside of New Hampshire and extended absentee voting to primaries. Two years later, in 1958, a constitutional prohibition against women voting (obsolete since 1920) was repealed and the title of County Solicitor was changed to County Attorney.

Following record length legislative sessions, the voters, in 1960, approved a constitutional curb on payment of legislative mileage allowances to not more than 90 days of a biennial session, or not beyond July 1, whichever came first.

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## RECENT ADJUSTMENTS

Amendments in 1964 gave the Legislature authority to propose amendments and based senatorial districts on population rather than wealth.

Three major amendments were approved in 1966. They made the State Supreme Court and the Superior Court into constitutional units, they imposed a ban on legislative changes in city or town charters, and they made the Governor directly responsible for execution and enforcement of all constitutional and legislative mandates upon the executive branch of government.

Also in 1966 the voters approved a shift from biennial to annual legislative sessions. When the Concord Daily Monitor challenged the vote on grounds that the amendment had been improperly worded on the ballot submitted to the voters the State Supreme Court upheld the challenge and killed the approval of the amendment.

Reference to God in the Constitution was deleted by a 1968 amendment.

## THE NEWEST AMENDMENTS

Two constitutional amendments were ratified in the 1974 election. They permit eighteen-year olds to vote and allow the Legislature to convene its biennial sessions early in December for organizational purposes, to help expedite its work in the January-June regular session.

In the 1976 election an amendment was approved to make governmental proceedings and records more easily accessible to the public.

In 1978 the voters approved amendments making the Chief Justice of the State Supreme Court the administrative head of all the state's courts and permitting the dividing of a city ward or town for the election of legislators.

The voters approved several minor adjustments to the Constitution in the 1980 biennial election. In the 1982 election three amendments were ratified: (1) approving the call for a constitutional convention to be held in 1984; (2) giving the public the right to bear arms to protect personal life and property; and (3) altering the date on which the Secretary of State presents certain election results.

Compiled by State Archivist Frank C. Mevers, Ph.D.

CHRONOLOGY OF NEW HAMPSHIRE'S CONSTITUTION

- September 1679 - King Charles II ordered New Hampshire to establish government separate from Massachusetts Bay.
- March 16, 1680 - New Hampshire's legislature of 11 members convened.
- January 5, 1776 - Plan of government adopted providing for a House of Representatives which elected a council.
- June 10, 1778 - Convention met in Concord to form a permanent plan of government. The people rejected the plan.
- June 5, 1781 - Constitutional convention met in Concord. First proposal was rejected by the people in the fall of 1781. Second proposal was rejected in December 1782. Third proposal was accepted in December 1783.
- June 2, 1784 - New constitution took effect providing for a House and Senate with a popularly-elected chief executive with title of president.
- September 7, 1791 - Fourth constitutional convention met in Concord.
- November 1792 - Revised constitution went into effect providing for the Office of Governor.
- November 6, 1850 - Fifth constitutional convention met in Concord.
- December 6, 1876 - Sixth constitutional convention met in Concord.
- January 2, 1889 - Seventh constitutional convention met in Concord.
- December 2, 1902 - Eighth constitutional convention met in Concord. Ten amendments were submitted to the people, four were approved.
- June 5, 1912 - Ninth constitutional convention met in Concord. Twelve amendments were submitted to the people, four were approved.
- June 5, 1918 - Tenth constitutional convention met in Concord. Adjourned to January 13, 1920 because of World War I. Submitted seven amendments to the people who rejected all. Reconvened January 28, 1921 and February 16, 1923 but to no positive result.
- June 4, 1930 - Eleventh constitutional convention met in Concord. Submitted five amendments, all rejected.



- May 11, 1938 - Twelfth constitutional convention met in Concord. Four amendments were submitted to the people. The only one that passed required revenues from motor vehicle operation fees to be used exclusively for highway purposes.
- May 12, 1948 - Thirteenth constitutional convention met in Concord.
- May 15, 1956 - Fourteenth constitutional convention met in Concord.
- May 13, 1964 - Fifteenth constitutional convention met in Concord.
- May 8, 1974 - Sixteenth constitutional convention met in Concord.

May 9, 1984 - Seventeenth  
Constitutional Convention  
Met in Concord.

The following introduction was written by the late Legislative Historian Leon W. Anderson just prior to his death.

#### INTRODUCTION

New Hampshire citizens are preparing special plans for celebration of the 200th anniversary of their State Constitution in the ensuing biennium. The legislature has voted special exercises, and special school programs are under consideration.

The State Constitution was approved by the people on October 31, 1783, and became effective in June of 1784.

Substantial strife and arguments persisted through half a dozen years, in production of the State Constitution. It was first launched on January 5, 1776, to give the Granite State the honor of producing the first free government, in the War for Freedom.

This initial demonstration of a free democracy soon ran into general criticism, because the new legislators became closely linked and shared all the major appointments, including paid appointments.

#### SPECIAL SESSIONS LONG AND HOT

Tiny Dartmouth College and its associate towns spread opposition to the self-centered operations of the new government at Exeter. These complaints became so substantial, that by early 1778 a special convention had become created, at the insistence of the Connecticut river area. The session was scheduled for Concord, in the Old North Meeting House, to please the distant protestants.

But this was not the end. In 1781, the Legislature set up another convention. This was most unusual, because the delegates were ordered to remain in session until a permanent new government took form. On two occasions, the people voted down new government details, in 1782 and 1783, and finally gave their late October consent, with colorful adjustments, and with details, which set up for the first time a three-fold form of government, executive and judicial controls over each other, and for the people in general.

Yet to be listed is the identification of the delegates of the 1777 and 1781 special conventions, as compiled by historians, because no such statistical records were kept, to keep such information from enemy sources.

#### 76 IN FIRST CONVENTION

There were 76 delegates in New Hampshire's first Constitutional Convention, which created the first Constitution of freedom in the 13 colonies on January 5, 1776, some six months before the national Declaration of Independence at Philadelphia.

This convention was of historic makeup. It was officially called the Fifth Provincial Congress, but it became historically recognized as a Constitutional Convention, because it was authorized for the specific purpose of forming a new government to replace the 95-year-old British government, which abdicated early in 1775, as the Revolutionary war erupted.

The convention convened at Exeter on November 21, 1775, by sponsorship of the fourth Congress, and with the approval of the Continental Congress at Philadelphia. Its delegates were restricted to 89 districts, all taxpayers were allowed to vote for them, but election of a delegate was limited to a person with at least ownership of property valued at 200 pounds.

This membership curb was sponsored by the fourth Congress, because in the first four sessions of the Congress there was no such restriction and some of the smaller towns elected more delegates than did the larger communities. The fourth session, for example, had 151 members. In laying out the 89 delegate districts for this Constitutional Convention, the fourth Congress established a yardstick of one delegate for every 100 taxpayers, and the tinier towns were grouped to such qualification. This formula, by the way, continued in force until the state's permanent Constitution became effective in June of 1784.

#### FIRST CENSUS SHOWED 82,000

The fourth Congress sponsored New Hampshire's first census in 1775, and this yielded a population of about 82,000. It was used for apportionment of the delegates for the convention. Portsmouth, with 4,500 was allowed three delegates, who were Pierce Long, Samuel Cutts and Samuel Sherburne.

The five other largest towns, each with two delegates, were: Londonderry, 2,590, and Dr. Matthew Thornton and John Bell,; Exeter, 1,741 and Dr. John Giddinge and Atty. Noah Emery; Dover, 1,666 and Stephen Evans and Otis Baker; Chester, 1,559 and Stephen Moss and Robert Wilson, along with Amherst, 1,425 and Moses Nichols and Nahum Baldwin.

Thirty-one towns had single-delegates in this first convention, and 32 others were grouped with smaller communities, to qualify for one delegate each.

The single town delegates were Samuel Hayes of Barrington, Samuel Dudley of Brentwood, Elijah Grout of Charlestown, Capt. Joseph Wait of Claremont, Judge Timothy Walker, Jr., of Concord, Capt. Ebenezer Thompson of Durham, Nehemiah Wheeler of Epping, Col. Clement March of Greenland, Capt. John Calfe of Hampstead, Judge Josiah Moulton of Hampton, Stephen Ames of Hollis, Stephen Harriman of Hopkinton, Timothy Ellis of Keene, Capt. Ezekiel Worthen of Kensington.

Also Hercules Mooney of Lee, Jonathan Lovewell of Dunstable (Nashua), Henry Prescott of New Castle, Richard Downing of Newington, William Shattuck of New Ipswich; Thomas Tash of Newmarket, Dr. Levi Dearborn of North Hampton, James Gibson of Pelham, David Gilman of Pembroke, Deacon James Knowles of Rochester, Nathan Goss of Rye, Caleb Dustin of Salem, Ichabod Rawlins of Somersworth, Benjamin Barker of Stratham, John Bellows of Walpole, John Worth of Weare, and James Betton of Windham.

#### DELEGATES OF GROUPED TOWNS

The 32 towns with single delegates, which were grouped with one or more adjacent smaller settlements, some with their present names added, were, in alphabetical order:

Nathaniel Sartile Prentiss of Alstead, with Marlow and Surry.  
 Samuel Kimball of Atkinson, with Plaistow.  
 Col. Henry Gerrish of Boscawen, with Salisbury.  
 Thomas Clough of Canterbury, with Loudon.

Archibald Robinson of Chesterfield, with Hinsdale.  
 Capt. Abijah Learned of Cockburne (Columbia), with Apthorp (Littleton),  
 Lancaster, Northumberland, Stratford, Conway and Shelburne.  
 Moses Chase of Cornish, with Plainfield, Grantham and Protectworth  
 (Springfield).  
 Jeremiah Eastman of Deerfield, with Northwood.  
 Caleb Page of Dunbarton, with Bow.  
 John McClary of Epsom, with Chichester and Allenstown  
 Joseph Badger of Gilmanton, with Barnstead.  
 Moses Kelley of Goffstown, with Derryfield (Manchester).  
 Meshech Weare of Hampton Falls, with Seabrook.  
 John Hurd of Haverhill, with Bath Lyman, Gunthwait (Lisbon), Landaff and  
 Morristown (Franconia).  
 Capt. Joseph Symonds of Hillsborough, with Henniker, Deering and Society  
 Land (part of Deering).  
 Samuel Philbrick of Kingston, and East Kingston.  
 Wyseman Claggett of Litchfield, with Nottingham West (Hudson).  
 Eliphalet Stone of Marlborough, and Dublin  
 Deacon Amos Dakin of Mason, and Raby (Brookline).  
 Ebenezer Smith of Meredith, and Sanbornton  
 Jonathan Blanchard of Merrimack, and Bedford.  
 Benjamin Giles of Newport, and Acworth, Lempster, Unity, Croydon and  
 Savill (Sunapee).  
 Israel Morey of Orford, and Lyme, Warren, Dorchester, Wentworth and  
 Piermont.  
 Samuel Moore of Peterborough, and Temple.  
 Samuel Emerson of Plymouth, and New Chester, (Hill), Alexandria, and  
 Cocker-mouth (Groton).  
 John Dudley of Raymond, and Poplin (Fremont).  
 Daniel Brainard of Rumney and Holderness, Campton and Thornton.  
 Daniel Beede of Sandwich, and Moultonborough and Tamworth.  
 Phillips White of South Hampton, and Newton.  
 Nathaniel Balch of Wakefield, and Middleton and Leavetstown (Effingham).  
 Robert Pollock of Camden (Washington), and Gilsum, Packersfield (Nelson),  
 and Lemerick (Stoddard).  
 Jacob Abbott of Wilton, and Lyndeborough, Miles Strip (in Hollis), and  
 Duxbury School Farms (part of Milford).

#### ALL POWER IN LEGISLATURE

The manner in which the historic January 5, 1776 Constitution developed was, in retrospect, most amazing. The convention convened on December 21, 1775, and seven days later, six of the delegates were chosen to draft the new form of government. This was a pioneer venture and there had never before been anything of like makeup by which to measure the project. Yet, only another eight days were required to produce the Constitution, in less than 1,000 words, and it went into effect on January 6.

The six men who produced this document were Weare, Dr. Thornton, Thompson, Claggett, Giles, Dr. Giddinge and Badger. It was of a temporary nature, and spelled out the hope of a reconciliation with England and return of the royal government without unfair taxes.

This first Constitution centered the entire government in the new Legislature, with a House of Representatives and a 12-man Council as the upper branch. There was no Governor or executive department and even the judiciary was appointed and supervised by the Legislature.

Under this centralized power, the legislators gave themselves high positions, and especially paying government jobs. Meshech Weare, for example, became President of the Council, with certain executive authority, along with becoming Chief Justice of the Superior Court of Judicature, and for several years, chairman of the Committee of Safety, which ran the government when the Legislature was not in session.

The convention delegates turned themselves into legislators, all of them automatically becoming members of the new House of Representatives. Then they appointed the Council. Eight, promoted from the House, were Weare, who became President, Dr. Thornton, Thompson, Claggett, Blanchard, Ashley, Giles and Hurd. The four others, all long known as prominent freedom fighters, were Dr. Josiah Bartlett of Kingston, former House Speaker John Wentworth of Somersworth, General Nathaniel Folsom of Exeter, and William Whipple, Portsmouth shipbuilder.

The Constitution listed that if peace had not been restored with England within a year, the Legislature was to become elected annually in the fall and take office in December, and this was to include the Council. The then five counties were to become Council districts, with five from Rockingham, two each from Strafford, Hillsborough and Cheshire and one from Grafton county.

The peace hopes of this first Granite State Constitution soon disintegrated, as the British took to arms to quell the revolt of the colonies. On June 11, 1776, the new Legislature approved a "Declaration of Independence," nearly three weeks before a similar declaration created the United States as of July 4. This act is also considered the first among the 13 colonies.

This temporary Constitution continued in force for eight years, throughout the War for Freedom years, and then was replaced in June of 1784 by the present permanent Constitution.

New Hampshire set world history when its wartime government voted to permit its citizens to join in a special Constitutional Convention in 1778. Youthful Dartmouth College and its Connecticut river area towns had prompted this convention, with persistent complaints about the manner in which the wartime Legislature of January, 1775 was selfishly conducting all public affairs.

The late Allen Nevins stressed in his 1927 history of the Revolution that this 1778 convention was the first time on record that a people had been allowed to elect delegates for a special convention for the sole purpose of creating a free government of their own liking, and then with the final right to either approve or reject the outcome. A year later the people voted to reject the work of this history-making convention. It was Historian G. Parker Lyon of Concord, who compiled the membership of both this historic 1778 convention, and the next session of 1781, which required several years to produce the state's present 200-year-old Granite State's basic form of a free government.

One might well recall President Lincoln's immortal Gettysburg speech in which he stressed the worth of a government "OF, FOR AND BY THE PEOPLE".



Historian Lyon's research recorded that when the 1778 convention convened in Concord on Wednesday, June 10, in the Old North (Congregational) Meeting House, Meshech Weare, president of the State, was chosen president even though he was not a delegate, and Ebenezer Thompson, Durham lawyer, became secretary.

#### HISTORIC DELEGATES LISTED

The delegates to this historic event included New Hampshire's signers of the Declaration of Independence - Dr. Josiah Bartlett of Kingston, Dr. Matthew Thornton of Londonderry and Captain William Whipple of Portsmouth. Other prominent delegates included John Langdon, the Portsmouth shipbuilder and Revolutionary legislative leader, and Judge Timothy Walker of Concord.

The 68 other delegates included John King, George Gaines and Samuel Cutts of Portsmouth, Nathaniel Folsom, Samuel Hubbard and John Pickering of Exeter; John Bell of Londonderry; Benjamin Barker and Mark Wiggin of Stratham; Enoch Coffin and Simon Dearborn of Epping; Samuel Daniell and Richard Bartlett of Pembroke; Benjamin French and William Hunt of Dunstable (Nashua); Reuben Mussey and Moses Nichols of Amherst; Enoch Noyes and Noah Worcester of Hollis, and John Gage and Caleb Hodgdon of Dover.

Then, William Burns and John Parker for Litchfield and Nottingham West (Hudson); Simon Marston and Richard Jenness for Deerfield and Northwood; Enoch Hale and Phineas Spaulding for Rindge, Jaffrey and Peterborough Slip, along with Samuel Silsby and Benjamin Giles representing Acworth, Lempster, "Savill", Croydon, Unity and Newport.

Delegates from individual towns listed in Historian Lyon's compilation were: Samuel Hunt of Charlestown, Samuel Emerson of Chester; John Sargent of Candia; William Weeks of Greenland; Nathaniel H. Dodge of Hampton Falls, Stephen Harriman of Hopkinton; Jeremiah Stiles of Keene; Ezekiel Worthen of Kensington; John McClary of Epsom; James David, Jr. of Madbury; Timothy Farrar of New Ipswich; Richard Dame of Newington; Levi Dearborn of North Hampton; James Barnard of Pelham; Oliver Capron of Richmond; Joseph Parsons of Rye; Benjamin Bellows of Walpole, Samuel Caldwell of Weare; Daniel Ashley of Winchester, and Moody Morse of Salem.

Most of the towns and tinier places banded together to elect delegates and share their expenses. Other delegates and their towns were listed as:

Jethro Sandborn for Sandown and Hawke (Danville); Robert Stewart for South Hampton and Newton; John Dudley for Raymond and Poplin (Fremont); Joseph Welch for Atkinson and Plaistow; Archelaus Moore for Canterbury and Loudon; Jeremiah Page for Bow and Dunbarton; Archibald McMillen for New Boston and Francestown; Moses Putnam for Wilton and Lyndeborough; David Blodgett for Mason and "Roby"; Francis Blood for Temple and Peterborough; Isaac Andrews for Henniker and Hillsborough; Solomon Hutchinson for Merrimack and Bedford.

All taxpayers were allowed to vote, but a man had to have wealth of at least 300 pounds to serve in the General Court. The Legislature was also granted retention of broad powers over the Judiciary and Executive appointments, along with full removal authority.

The convention ordered the towns to hold referendum meetings on the Constitution and report the voting results by the third Tuesday of September. The voting totals were never preserved, but were summed as "total rejection", whereupon the convention summarily dissolved itself.

This first-in-history peoples Constitution was killed for two basic reasons, according to the Lyon findings. The people denounced the wealth restriction for election to the Legislature. They also opposed the continued centralization of all governmental powers within the General Court.

#### BACKGROUND OF STRESSES

The 1781 convention struggled to produce a Constitution of freedoms, in a background of stresses unequalled in Granite State annals. As it convened, the Legislature, then based at Exeter, had ordered the towns to produce by taxation, 1,120,000 pounds of beef, and 10,000 gallons of "West Indian rum", for support of the Continental army. Based upon population, Portsmouth got the largest rum quota, of 290 1/2 gallons. Londonderry was second, with 239 gallons. In third and fourth rank were Dover, 184 1/2 gallons and Epping, 182 1/2 gallons.

As the state and the Continental Congress printed literally tons of paper money to support the prolonged war, the currency so steadily depreciated in value that citizens refused to accept it for debt payments. So the Legislature enacted a unique statute. It created a ratio for paper money, on debt payments, of 150 such dollars, as worth \$1 in silver, and upwards, in a futile effort to resolve this devastating monetary crisis.

It was also in this inflationary period that President Meshech Weare, the state's top-ranking war leader, wrote a friend:

I am in pain when I consider at what an enormous rate everything has now got; 12 or 1,300 dollars for a cow, 40 dollars per bushel for corn; 80 for rye, 100 pounds per yard for common broadcloth, from 50 to 100 dollars per yard for linen, etc. etc., and still rising daily.

#### PORTSMOUTH DOMINATED SESSION

Portsmouth dominated the 1781 convention, with five delegates. They included George Atkinson, who became its president, and Jonathan Mitchell Sewall, as secretary. The other three were John Langdon, noted legislative leader; Ammi Ruhami Cutter and John Pickering.

Several towns each furnished two delegates. They were John Taylor Gilman and Nathaniel Folsom of Exeter; Otis Baker and Joshua Wingate of Dover; Thomas Sparhawk and John Bellows of Walpole; William Markham and Daniel Grout of the Unity-Acworth area; Francis Worcester and Samuel Emerson of the Plymouth area.

The other delegates as listed by Historian Lyon were: Archibald McMurphy of Londonderry, etc.; Nathaniel H. Dodge of Hampton Falls, etc.; Mark Wiggins of Stratham; Abraham Drake of North Hampton; Joseph Cilley of Nottingham; Robert Collins of Hawke-Sandown; Ephraim Pickering of Newington; Nathan Goss of Rye; Nathaniel Peabody of Atkinson-Plaistow; John Dudley of Raymond-Poplin; John McClary of Epsom-Chichester, etc.; John Butter, Jr. of Pelham; Joshua Kimball of Pembroke; Timothy Walker of Concord; Jeremiah Clough of Canterbury-Loudon; John Sullivan of Durham; James Davis, Jr. of Madbury; Joseph Badger, Sr., of Gilmanton, etc.; Ebenezer Smith of Meredith-Sanbornton, etc.; James Brewer of Sandwich, etc.; Simeon Cummings of Merrimack, etc.; Timothy Smith of Nottingham West, etc.

Also Jonathan Lovewell of Dunstable; Joshua Bailey of Hopkinton; Ebenezer Webster (Daniel Webster's father) of Salisbury-Boscawen; Jonathan Martin of Wilton, etc.; Benjamin Mann of Mason-Raby; Timothy Farrar of New Ipswich; John Cragin, Jr. of Temple-Peterborough; James Underwood of Rindge-Jaffrey, etc.; Daniel Newcomb of Keene; Reverend Edward Goddard of Swanzey-Fitzwilliam; Oliver Capron of Richmond; Benjamin Giles of Newport, etc., Moses Baker of North Holderness, etc., Davis Page of Lancaster, etc., and John Wheatley of Lebanon.

Tradition has it that this 1781 convention deliberated in an upstairs hall of John Stevens' store, corner of Main and Pleasant streets in Concord.

The Legislature made use of lessons from the 1778 convention, which promptly adjourned after its first proposed permanent Constitution was rejected by the people, by referendum. It instructed the 1781 convention to remain in session until a new Constitution was ratified by the people. It also ordered that the towns be required to report their voters' objections, if they refused to approve a new government plan.

#### TWO MORE REBUFFS

Time has proven the wisdom of the legislative mandates imposed upon the 1781 Constitutional Convention. Its recommendations were twice rebuffed by the people, as not to their liking, and it was not until late in 1783 that a permanent constitutional government was ratified, and became effective in June of 1784.

The Journal of this convention also was not preserved for posterity. But its details were carefully researched by Associate Justice William M. Chase of the State Supreme Court, for an historical address in 1902.

This second peoples convention appointed a committee to draft a democratic government. Then it recessed to September 14, whereupon the new document was approved, 700 copies were distributed to the towns, and its enactment formula was reduced from the seventy-five per cent requirement of the 1778 convention, to a two-thirds approval.

This Constitution led off with a Bill of Rights copied from the Massachusetts document, and provided for division of the state government into three co-equal parts - legislative, judicial and executive - which continue in force to this day. But it limited the House of Representatives to 50 members, elected in county conventions by town delegates, and set up a strong Governor position, with broad veto powers against legislative statutes.

#### RARE APPEAL TO THE PEOPLE

One of the most amazing papers in Granite State history accompanied this 1781 Constitution proposal as it was distributed to the people. It was an address of some 3,500 words, which explained its details, and stressed arguments for its approval.

The author or authors of this statement remain unknown. It was addressed to "Friends and Fellow Citizens", and some of the contents continue worthy of attention to this day. It stressed for example:

A perfect system of government is not to be expected in the present imperfect state of humanity. But could a faultless one be framed, it would not be universally approved unless its judges were all equally perfect.

The broadside warned that members of the temporary General Assembly and other incumbent government officials could be expected to be opposed to the pending Constitution's plan to divide the government into three separate parts, and end having all such powers entrenched in the Legislature. On this issue it observed:

The love of power is so alluring, we had almost said infatuating, that few have ever been able to resist its bewitching influence. Wherever power is lodged there is a constant propensity to enlarge its boundaries. Much more then, will those with whom it is entrusted, agonize to retain all that is expressly delegated to them.

In explaining its proposal for a small House of Representatives, the pamphlet argued:

Experience must have convinced every one who has been, in any degree, conversant with the transacting of business in public bodies, that a very large assembly is not the most convenient for the purpose. There is seldom so much order, and never so much dispatch, as is to be found in a smaller body. The reason is obvious.

When the convention reassembled in January of 1782, it learned that its first government plan had been firmly rejected. The towns reported their voters opposed the curb on the House membership, and the strong Governor idea.

The convention launched a second Constitution try on August 21, 1782, ordered 800 copies of a new draft distributed to the towns and then recessed to the last Tuesday of December to tally the results.

This document continued the strong Governor plan, but abandoned the restriction on the House membership. But it was also killed by the people, when put to popular vote. The towns reported continued sharp feelings against centralizing power in the hands of the Governor.

So the convention took another recess of six months.

#### SUCCESS FINALLY ACHIEVED

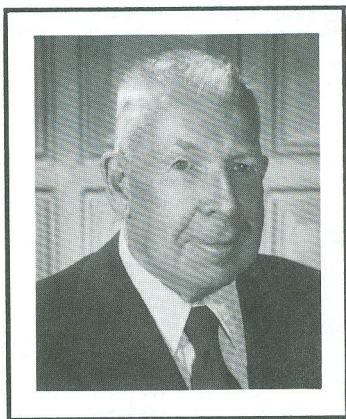
The convention reconvened in June of 1783 for a third attempt to draft a Constitution which would please the people, and met with final success.

Bowing to public sentiment, the delegates not only dumped the strong Governor concept, but abolished the detested title entirely, and replaced it with the designation of President, without veto power. They also gave up the House size restrictions.

The convention recorded the two-thirds referendum approval on October 31, 1783, legislative elections were held in the following spring, and the new government went into operation on June 2, 1784, as its new General Court, comprised a lower House and an upper Senate of 12 members, whose presiding officer was the popularly elected President of the state. It took the 1781 Constitutional Convention exactly two years, four months and 26 days to complete its historic labors.

The New Constitution provided for an Executive Council, made up of three House members and two Senators, elected by their respective branches, as an advisory curb on the Chief Executive. It set the required minimum worth of the President at 500 pounds, with 200 pounds for a Senator or Councilor, and 100 pounds for a Representative. It also provided that the state pay travel costs for the legislators, while their "wages" were a charge upon their respective communities.

All poll tax payers aged 21 and over were allowed to vote, and the President and the legislators had to be of the Protestant faith. The House was apportioned on the basis of one legislator for every 150 taxpayers, with an additional member for each additional 300 taxpayers, and tinier towns were permitted to band their qualifications for an initial seat.



Leon W. Anderson  
April 8, 1902 - February 23, 1983

This 48th edition of the N.H. Manual for the General Court is dedicated to the late Legislative Historian Leon W. Anderson. Mr. Anderson, commonly referred to as Andy, covered the State House for 41 years as a reporter for the Concord Monitor and served as a member of the House of Representatives in 1943. He was the author of To This Day - The 300 Years of the New Hampshire Legislature.